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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,777	08/01/2003	Valentino Campagnolo	CAM3-PT005.1	3090
3624	7590	12/09/2004	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			VAN PELT, BRADLEY J	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/632,777

Applicant(s)

CAMPAGNOLO, VALENTINO

Examiner

Bradley J Van Pelt

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 18 and 20-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 18 and 20-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-15, 17, 18, 20-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (USPN 6,015,036) in view of Abe.

Fukuda discloses a support body (16), brake lever (15), first and second electrical switches (25D, 25U), lever mounted (14) for rotation and activation of first electrical switch, a button (24D) for activating second electrical switch; first and second switches activate a derailleur for upshifting and downshifting respectively;

lever rotates generally orthogonal to the path of motion of the brake lever;

button moves substantially orthogonal to the pivot axis of the brake lever;

two support bodies for each derailleur;

brake lever is rotatably attached to the support body about a pivot axis, the lever being pivotally mounted to the brake lever about an axis generally perpendicular to the pivot axis.

Plate (see fig. 4) is positioned in the support body so that the opposite sides are generally perpendicular to a portion of the support body.

Fukuda does not disclose first and second switches are located in the support body; the electrical switches are located on opposite sides of a plate; a switch in communication with a cycle computer.

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Abe discloses switches located in a support body, a switch in communication with a cycle computer.

To modify the apparatus of Fukuda so as to include the switches in the support body would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Abe that such an arrangement simplifies the construction of the shifting mechanism.

To modify the apparatus of Fukuda so as to include a switch for operating a cycle computer would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Abe that such an arrangement improves the efficiency of the rider.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the first and second switch on opposite sides, since it has been held that rearranging parts of an invention involves only routine skill in the art.

3. Claims 8 and 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of Abe as applied to claims 1-7, 9-15, 17, 18, 20-34 above, and further in view of Campagnolo (USPN 5,865,454).

The reference combination does not explicitly disclose the gear change mechanism is an electric motor.

Campagnolo shows the gear change mechanism is an electric motor (see column 1, lines 13-15).

To modify the apparatus of the above reference combination so as to provide switches for upshifting and downshifting in combination with an electric derailleur would have been obvious

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to one of ordinary skill in the art at the time the invention was made in view of the teachings of Campagnolo that such an arrangement improves the ease at the user adjusts the gear ratios of the bicycle.

***Response to Arguments***

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJVP



DA BUCCI  
SUPERVISOR  
TECHNOLOGY CENTER 3600